

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

1) AURORA BURDETTE, Individually, )  
and on behalf of a Class of Oklahoma )  
citizens who are insured by SafeCo, )  
Plaintiff, ) Case No. CIV-15-588-M  
v. )  
2) SAFECO INSURANCE COMPANY )  
OF AMERICA, )  
Defendant. )

## NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, *et seq.*, Defendant Safeco Insurance Company of America ("Defendant") hereby removes the above-captioned action from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of this removal, Defendant states as follows:

1. The Plaintiff Aurora Burdette initiated the instant action on or about April 1, 2015, by filing a Petition in the District Court of Oklahoma County, Oklahoma entitled *Aurora Burdette, Individually, and on behalf of a Class of Oklahoma*

*citizens who are insured by SafeCo v. Safeco Insurance Company of America*, Case No. CJ-2014-622.

2. Pursuant to LCvR81.2, true and correct copies of the Petition and all other documents served in the Oklahoma County District Court, together with a copy of the docket sheet, are attached hereto as Exhibits "1" through "6."

3. Defendant's first notice that this action was removable to this Court was no earlier than on or about April 30, 2015, when the Insurance Commissioner of the State of Oklahoma accepted service of the Petition.

4. This Notice of Removal is timely filed within thirty (30) days (as calculated under applicable law and court rules) of Defendant's first notice that the claim was removable to this Court. 28 U.S.C. §1446(b).

5. The Western District of Oklahoma includes the state judicial district in which Plaintiff filed her Petition.

6. Venue is properly laid in this district because a substantial part of the events giving rise to Plaintiff's purported claim allegedly occurred in this district. 28 U.S.C. §1391(b).

7. This action is removable from the state court to this Court pursuant to 28 U.S.C. §1441, *et seq.*, because this Court has original jurisdiction under 28

U.S.C. §1332(a) and (d) given the diversity of citizenship among the parties and the amount in controversy.

8. The Plaintiff is a citizen of Oklahoma. (*See Exhibit 2, Petition, at opening para. and ¶ 10*).

9. Defendant Safeco is a corporation organized under the laws of the State of New Hampshire with its principal place of business in Boston, Massachusetts.

10. The Plaintiff seeks damages "in excess of \$75,000.00." (*See Exhibit 2, Petition, at ¶ 32*).

11. Because there is complete diversity of citizenship and the amount in controversy exceeds the sum of seventy five thousand dollars (\$75,000.00), this case is properly removed to this Court. *See 28 U.S.C. §1332(a)*.

12. The present lawsuit is also removable from the state court to this Court pursuant to 28 U.S.C. §1441, *et seq.*, because the Petition involves an alleged class action in which at least one Plaintiff is a citizen of a state different than the Defendant, and the aggregate amount in controversy for all Plaintiffs exceeds \$5,000,000.00, exclusive of interest and costs. *See 28 U.S.C. §1332(d)*.

13. The Plaintiff alleges that the proposed class is "thousands of Oklahoma policyholders." (*See Exhibit 2, Petition, at ¶ 10*).

14. As set forth above, there is complete diversity of citizenship in the instant action because the Plaintiff is a citizen of Oklahoma while the Defendant is a citizen of New Hampshire and Massachusetts.

15. Further, the aggregate amount in controversy exceeds the sum of \$5,000,000.00.

16. The Plaintiff demands actual and consequential damages, punitive damage, disgorgement of payments, and attorney's fees for each member of the class, alleged to be "thousands of Oklahoma policyholders." (*See Exhibit 2, Petition, at ¶¶ 10, 33-34, 37-39*).

17. The Plaintiff alleges that she and the purported class members were damaged in the form of lost payments for medical treatment and that, with respect to the Plaintiff, this amount is at least \$3,000. (*See Exhibit 2, Petition, at ¶¶ 5, 22*). Multiplying \$3,000 by at least 2,000 purported class members equals at least \$6,000,000.

18. Because the Plaintiff has alleged a class action with complete diversity of citizenship and the aggregate amount in controversy exceeds the

sum of \$5,000,000.00, this case is properly removed to this Court. *See* 28 U.S.C. §1332(d); 28 U.S.C. §1441.

19. Pursuant to 28 U.S.C. § 1446(d), copies of this Notice of Removal will be filed with the Clerk of the State Court and served upon the Plaintiff.

WHEREFORE, the above-captioned action, now pending in the District Court of Oklahoma County, Oklahoma, is removed therefrom to this Honorable Court.

Respectfully submitted,



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**ATTORNEYS FOR DEFENDANT,  
SAFECO INSURANCE COMPANY OF  
AMERICA**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of May, 2015, a true and correct copy of the foregoing document was sent via U.S. Mail, postage prepaid, to:

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Darren M. Tawwater  
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**ATTORNEYS FOR PLAINTIFF**



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William W. O'Connor